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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,928	09/07/1999	MARTIN DUURSMA	CTX-019CP(15	7827

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

23

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/390,928

Applicant(s)

DUURSMA ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14, 16-32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14, 16-32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on December 22, 2003 under 37 CFR 1.312 has been entered. Claims 1, 16, and 23 have been amended and are presented for further examination. Claims 11, 15 and 33 were previously cancelled.

Claims 1-10, 12-14, 16-32, and 34-36 are presented.

Response to Arguments

Applicant's arguments filed December 22, 2003 have been fully considered but they are not persuasive.

Applicant argues that the pending claims are patentable over Chang and Braddy because there is no teaching of the amended claim limitation providing output from the application program executing at the chosen server directly to the client system. In response, newly cited art by Boll et al. (US 5,644,720) has been found that points out a chosen server providing output directly to client (fig. 1, 38). See new rejection below.

Applicant argues that Chang and Braddy cannot establish prima facie case of obviousness because the proposed combination would change the principle of operation of each of the references. In response, Examiner agrees with the overall characterization of Chang and Braddy, yet disagrees with the Applicants conclusion reached about the combination of Chang and Braddy. Applicant's argument that Chang and Braddy cannot establish prima facie case of obviousness, the test for obviousness is not whether the features of a secondary reference may be

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bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the reference shown by Chang shows administrator manually selecting a service from a list of approved services provided through a management console *and* client selecting a particular service from the plurality of services, whereas Braddy shows client making a manual request for a service through a request broker and the request broker making an automatic selection of a physical server from a plurality of servers. This modification shown by Braddy would have been readily realized by one of skill in the art. Automatic selection would not necessarily change the principle of Chang's invention, which includes a verification process before a connection is made to a service host.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 5/15/2003 is in compliance with the provisions of 37 CFR 1.98(d). Accordingly, the examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 8-10, 12-14, 16, 17, 19-24, 28, 30-32, and 34-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (6,157,953) in view of Braddy (US 6,141,759) in further view of Boll et al (US 5,644,720).

In referring to claim 1 and 23, Chang discloses a system for accessing a plurality of services hosted by servers via a web server managing the computer network. Chang discloses:

- Web server (208) receiving identification of the application programs (services) hosted by plurality of servers (207) (col. 6 lines 49-63).
- Web server creating a page describing a display of hosted application programs (list of services) available to the client and transmitting the created page to the user display (fig. 9, col. 13 line 64- col. 14 line 28).
- Receiving from the client a request to execute one the hosted application programs (service) (step 808, col. 13 lines 21-30).

Although Chang shows substantial features of the claimed invention, Chang does not particularly show the feature for choosing a server from a plurality of servers. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Chang, as evidenced by Braddy.

In an analogous art, Braddy shows a system for distributing, monitoring, and managing client requests among plurality of servers. Braddy shows:

- Choosing a server from a plurality of servers, a server hosting the client requested application program (fig. 11a, step 326, col. 16 lines 63- col. 18 line 15).
- Executing the requested application (fig. 10 step 298).

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- Providing output from the executing application program to the client system for display at the client system (col. 9 line 1-7, col. 13 lines 55-59).

Given these features a person having ordinary skill in the art would have readily recognized the advantages and desirability of modifying the system disclosed by Chang to employ the features shown by Braddy in order to efficiently distribute information requests to effect load balancing for request received by a server (see Braddy, col. 5 line 65- col. 6 line 3).

Although the combined teachings of Chang and Braddy shows substantial features of the claimed invention, as discussed above, they do not explicitly show providing output from application program executing at the chosen server directly to the client system. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system shown by Chang and Braddy, as evidenced by Boll.

In an analogous art, Boll shows a communication interface for managing transaction request for client servers that can fulfill a client application's transaction request. Boll shows client server providing output from application program executing at the chosen server directly to the client system (col. 3 lines 47-51, fig. 1, 38).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Chang and Braddy, to employ the features shown by Boll, in order to avoid a single point of failure if central interface goes down after communication link has been established.

In referring to claim 2, 20, and 24, Chang shows web server receiving user credentials from a client system (col. 13 lines 64-col. 14 line 11).

In referring to claim 6 and 28, Chang shows web server receiving and authenticating user based on user entered credentials (password and user ID). Client selects and executes one of the available services applications without requiring further receipt of user credentials from the client system (col. 13 line 65- col. 14 line 28).

In referring to claim 8 and 30, Braddy shows a system for creating HTML pages (col. 3 lines 49-57).

In referring to claim 9 and 31, Chang shows available application programs in GUI (fig. 7).

In referring to claim 10, 19 and 32, Braddy shows step comprising transmitting pages to the client using HTTP (col. 3 lines 15-36).

In referring to claim 12 and 34, Chang shows executing the requested application in window in a page (col. 13 line 3- col. 14 line 28).

In referring to claim 13 and 35, Chang shows client making a connection with server executing the requested program (col. 13 lines 21-40).

In referring to claim 14 and 36, Chang shows web server communicating with plurality of servers to determine which services are hosted by those servers (col. 8 lines 23-48).

In referring to claim 16, similar to claim 1 above, Chang shows:

- A service module (management console) collecting identifications of application programs hosted by servers (col. 8 lines 8-48; fig. 5).
- A database (212) storing identities of application programs (col. 5 lines 39-62).
- Transmitting an output display and selection creation engine creating a page describing a display of, and making available for selection, the hosted applications (services) programs

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available to the client wherein one of the hosted application program (service) is executed (fig. 6B, col. 11 lines 46-49).

Although Chang shows substantial features of the claimed invention, Chang does not particularly show the feature for choosing a server from a plurality of servers. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Chang, as evidenced by Braddy.

In an analogous art, Braddy shows a system for distributing, monitoring, and managing client requests among plurality of servers. Braddy shows:

- Choosing a server based on collected information, the server hosting the client requested application program and displaying application on client (fig. 11a, step 326, col. 16 lines 63-col. 18 line 15).

Given these features a person having ordinary skill in the art would have readily recognized the advantages and desirability of modifying the system disclosed by Chang to employ the features shown by Braddy in order to efficiently distribute information requests to effect load balancing for request received by a server (see Braddy, col. 5 line 65-col. 6 line 3).

Although the combined teachings of Chang and Braddy shows substantial features of the claimed invention, as discussed above, they do not explicitly show providing output from application program executing at the chosen server directly to the client system. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system shown by Chang and Braddy, as evidenced by Boll.

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In an analogous art, Boll shows a communication interface for managing transaction request for client servers that can fulfill a client application's transaction request. Boll shows client server providing output from application program executing at the chosen server directly to the client system (col. 3 lines 47-51, fig. 1, 38).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Chang and Braddy, to employ the features shown by Boll, in order to avoid a single point of failure if central interface goes down after communication link has been established.

In referring to claim 17, Chang show the web server connecting with other at least one of the plurality of servers in order to obtain identification of service application hosted by those server (col. 6 lines 11-36, col. 10 lines 7-56).

In referring to claim 21 and 22, Chang shows web server receiving information of the users who are authorized to execute requested applications and the minimum capabilities required (col. 13 lines 3-64).

Claims 3, 7, 18, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view Braddy and Boll, as applied above, and further in view of Cook.

Although the combined teachings of Chang in view of Braddy shows substantial features of the claimed invention, as discussed above, it does not explicitly disclosed with substantial evidence SGML document indicating hosted application program. Nonetheless, this feature is

well known in the art and would have been an obvious modification to Chang in view of Braddy, as evidenced by Cook.

In referring to claim 3, 7, 18, 25, and 29, Cook discloses the handling of SGML by the host and the creation of an output in the form of SGML to the client (col. 6 lines 7-24). Given the teaching of Cook, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chang in view of Braddy by using an SGML document for creating and page or parsing it because SGLM is an ISO standard for defining the format in a text document.

Claims 4, 5, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Braddy and Boll, as discussed above, and in further view of Yu et al (hereinafter Yu; US Patent 5,930,804).

Although the combined teachings of Chang in view of Braddy show substantial features of the claimed invention (discussed above) including client entering user credential, it does not explicitly disclosed with substantial evidence a biometric method of submitting client credentials to a host system. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system disclosed by Chang in view of Braddy, as evidenced by Yu.

In an analogous art, Yu discloses a method for client to enter biometric credentials when accessing web server (col. 3 line 60 – col. 4 line 53)

Given the teaching of Yu, a person having ordinary skill in the art would have readily recognized the desirability and advantages to modifying Chang in view of Braddy, by employing a means for receiving biometric data in order to allow for a more secure means for accessing important application programs held by the host servers.

In referring to claim 5 and 27, Yu shows encrypting user credentials (col. 13 lines 27-29; fig. 5, 108)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

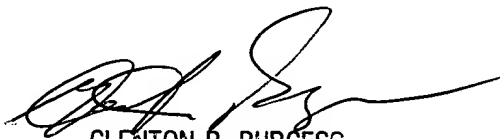
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
March 15, 2004



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